

16.04.090 Inactive plats or agreements – Deemed withdrawn when.

A. Plats or Agreements – Deemed withdrawn. Any plat or agreement submitted to the Town which has not obtained final Town approval, as defined in this chapter, within eighteen (18) calendar months of submittal of the initial application, shall be deemed to have been withdrawn and a new application shall be required including payment of any associated fees in order for the plat or agreement to be considered unless an extension has been granted. Such new plat or agreement shall be a new application for all intents and purposes and shall be subject to the same review process as any other new application.

B. Application to Existing Projects. Any plat or agreement currently being processed by the Town shall be deemed to have been withdrawn and a new application shall be required including payment of any associated fees in order for the plat or agreement to be considered, if the existing plat or agreement has not received final Town approval within eighteen (18) months from the effective date of the ordinance codified in this section unless an extension of the approval time frame has been granted.

C. Additional Time May be Granted. The Director of Development Services may grant additional time to an applicant during the staff review period or after approval of the Board of Trustees upon a showing of good cause which determination shall also be in the sole and absolute discretion of the Director. Such additional time may not exceed a cumulative total of total of two additional years provided the plat and agreement are in conformance with the Review and Approval Criteria and there is adequate justification of the extension, as determined by the Director of Development Services. A fee may be imposed for processing the extension requests to cover additional Staff review time and expenses.

D. Recording. Any plat or agreement shall satisfy any conditions of approval, and be recorded with the county clerk and Recorder, if applicable, within eighteen (18) months of the date of approval by the Board of Trustees. The applicant may make a request to the Staff for an extension of the approval and recordation period prior to the end of the initial eighteen (18) months. It shall be the applicant's responsibility to ensure the request is made prior to the expiration of the approval period. Staff may grant an extension(s) not to exceed a total of two additional years if the subdivision application is consistent with the Review and Approval Criteria and there is adequate justification for the extension. Beyond three and one-half years (42 months) from the Board of Trustees approval date, the granting of any additional request for an extension shall be in the sole discretion of the Board of Trustees, and shall be based on a finding of whether the project conforms to the current Town Code and Review and Approval Criteria and that there is adequate justification for the extension.

E. Lapse of approval. If, after the initial eighteen (18) months approval, the time period has not been extended in accordance with this section, the approval of the applicable subdivision application shall lapse and a new application must be submitted. ~~The board of trustees may grant an extension of up to twelve (12) additional months for good cause, provided the application conforms to the current approval criteria for the application.~~ (Ord. 29-2007 (part); Ord. 13-2001 §§ 1-3 (part)).